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16 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 MICHAEL E. DAVIS, aka TONY DAVIS,
 21 VINCE FERRAGAMO, and BILLY JOE
 22 DUPREE, on behalf of themselves and all
 others similarly situated,

23 Plaintiffs,

24 vs.

25 ELECTRONIC ARTS INC.,

26 Defendant.

CASE NO. 10-cv-3328 RS (DMR)

**STIPULATION AND [PROPOSED]
 ORDER RE BRIEFING SCHEDULE AND
 HEARING DATE ON DEFENDANT
 ELECTRONIC ARTS INC.'S MOTION
 TO STRIKE PURSUANT TO C.C.P. §
 425.16 AND MOTION TO DISMISS**

Pursuant to Civil Local Rule 6-2, the parties hereby submit this Stipulated Request for an Order regarding the briefing schedule and the hearing date on defendant Electronic Arts Inc.'s ("EA") Motion to Strike Pursuant to C.C.P. § 425.16 (Docket No. 62) ("Anti-SLAPP motion") and EA's Motion to Dismiss (Docket No. 63) (collectively, "EA's Motions").

WHEREAS, on January 6, 2011, EA filed its original motion to dismiss and motion strike (Docket No. 20), which was set for hearing February 24, 2011, and re-filed the motions on June 9, 2011 (Doc. Nos. 62 and 63);

WHEREAS, on February 1, 2011, plaintiffs Michael E. Davis, Vince Ferragamo, and Billy Joe Dupree (collectively "Plaintiffs") served written discovery on EA;

WHEREAS, the parties have had disputes regarding discovery for EA's Motions, and the briefing and hearing have been postponed on several occasions to permit resolution of discovery disputes (*See, e.g.*, Docket Nos. 35, 57, & 78);

WHEREAS, at the Further Case Management Conference on October 27, 2011, the Court set the hearing on EA's Motions for December 15, 2011 to allow the parties to address further discovery issues with Magistrate Judge Ryu (*see* Docket No. 87), which would have made Plaintiffs' opposition briefs due November 28 and EA's reply briefs due December 5;

WHEREAS, after a discovery hearing before Magistrate Judge Ryu on November 16, the Court issued an Order requiring EA to produce further discovery (Docket No. 92);

WHEREAS, EA expects that it will complete production of the discovery by December 8, 2011, which therefore will require an adjustment to the briefing and hearing schedule in order to provide Plaintiffs adequate time to review and consider EA's supplemental discovery responses;

WHEREAS, under the Civil Local Rules, Plaintiffs are entitled to file two 25-page oppositions (one for each motion) totaling 50 pages, and EA is entitled to file two 15-page replies;

WHEREAS, the Plaintiffs believe that the issues of EA's Motions can be addressed more efficiently with a single, 35-page opposition and a single, 20-page reply, and EA does not oppose Plaintiffs' request;

THEREFORE, the parties, by and through their undersigned counsel, hereby stipulate and

1 respectfully request as follows:

2 **STIPULATION**

3 1. The briefing schedule on EA's Anti-SLAPP Motion and Motion to Dismiss
4 (Docket Nos. 62 & 63), which were filed June 9, 2011, shall be as follows:

5 i) Plaintiffs opposition shall be filed no later than January 5, 2012;
6 ii) EA's reply brief shall be filed no later than January 19, 2012; and
7 iii) The hearing on the EA's Anti-SLAPP Motion and Motion to Dismiss shall be on
8 January 26, 2012, at 1:30 p.m., or as soon thereafter as is practical for the Court.

9 2. Plaintiffs shall submit a single opposition to both the Anti-SLAPP Motion and
10 Motion to Dismiss of no more than 35 pages. EA shall submit a single reply brief of no more than
11 20 pages.

12 Both parties agree to the stipulation as indicated by their signatures below. The parties
13 respectfully request that the Court approve the stipulation. A proposed Order is filed herewith.

14 Dated: November 21, 2011

THOMAS WHITELAW LLP

15
16 By: /s/ Brian D. Henri
17 BRIAN D. HENRI
18 Attorneys for Plaintiffs MICHAEL
19 DAVIS, VINCE FERRAGAMO, and
BILLY JOE DUPREE

20 Dated: November 21, 2011

KEKER & VAN NEST LLP

21
22
23 By: /s/ R. James Slaughter
24 R. JAMES SLAUGHTER
25 R. ADAM LAURIDSEN
Attorneys for Defendant
ELECTRONIC ARTS INC.

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27 Pursuant to General Order No. 45, Section 10(b), the efiler of this stipulation, hereby
28 attests that R. James Slaughter concurs in the efilings of this stipulation.

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[PROPOSED] ORDER

The Court, having considered the above joint request and good cause appearing therefore,
HEREBY ORDERS as follows:

The following schedule shall apply to EA's pending Anti-SLAPP Motion and Motion to
Dismiss (Docket Nos. 62 & 63):

- iv) Plaintiffs opposition shall be filed no later than January 5, 2012;
- v) EA's reply brief shall be filed no later than January 19, 2012; and
- vi) The hearing on the EA's Anti-SLAPP Motion and Motion to Dismiss shall
be on January 26, 2012, at 1:30 p.m.

Plaintiffs shall submit a single opposition to both the Anti-SLAPP Motion and Motion to
Dismiss of no more than 35 pages. EA shall submit a single reply brief of no more than 20 pages.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: 11/22, 2011



THE HONORABLE RICHARD SEEBORG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA